

I write to urge you to reject the Notice of Proposed Rulemaking #02-230, which would limit one's use of digital television sets. As currently construed, this •broadcast flag• proposal would limit how I would use my digital televisions and other electronic equipment to record programs, in digital format. As one who is involved in Public Access Television, I'm also concerned how this \"broadcast flag\" proposal could limit what we do on Public Access Television, as there is a \"10% fair use\" policy that allows one to show a small segment of a program, to illustrate a current event, opinion, or cultural issue. I fear this \"broadcast flag\" could impair our freedom of expression.

The broadcast flag proposal, set before the commission was the product of the •Broadcast Protection Discussion Group,• an select group of industry insiders who brokered the deal. This reminds me so much of the hysteria of the Entertainment industry to VHS and Beta VCR home-taping of television programs in the late 1970s; the same out-moded arguementa are being employed again--the Supreme Court has ruled repeatedly in favor of a person's right to tape a television or radio broadcast for one's own private viewing. I urge the FCC to enact this piece of law, as it would overturn a basic tenet of our freedoms.

I understand piracy is a valid concern; why not go after the main instigators of that (Communist China, as an example), with the full extent of the law that is already on the books, and not penalize the home-taper's right to tape a program? To compare the home-taper's making several copies of a TV program (one for backup, or to loan to a freind who missed the program, to the true piracy committed by certain nations, is to mix metaphors.

In summary, let us not allow the Entertainment industry stifle what has been our right to home-tape our TV and radio programs, through their distortion and misplaced fears, and allow the technology to do what it does best; serve the public.

I thank you for considering my thoughts on this matter...

Richard Phelps in Louisiana